

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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IN RE: NATIONAL HOCKEY LEAGUE	)	
PLAYERS' CONCUSSION INJURY	)	MDL No. 14-2551 (SRN/JSM)
LITIGATION	)	
	)	<b>PLAINTIFFS' MEMORANDUM</b>
	)	<b>IN SUPPORT OF TRUSTEES OF</b>
	)	<b>BOSTON UNIVERSITY'S</b>
This Document Relates To:	)	<b>OPPOSITION TO NATIONAL</b>
ALL ACTIONS	)	<b>HOCKEY LEAGUE'S MOTION</b>
	)	<b>TO COMPEL</b>

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Plaintiffs respectfully submit this memorandum and accompanying papers in support of the Trustees of Boston University's opposition to the NHL's Motion to Compel Production of Documents from the Boston University CTE Center ("BU CTE Center") and the concurrently filed Declaration of Dr. Rudy Castellani.

The NHL's motion to compel and Dr. Castellani's declaration seek to distort and expand this litigation into a full blown attack on the truth and science of the existence of Chronic Traumatic Encephalopathy ("CTE"). To do so, the NHL and Dr. Castellani attempt to use sweeping, unsubstantiated, partisan assertions to discredit the work of Dr. Bennet Omalu and others, including the BU CTE Center, who have studied and helped further the long-standing science of CTE through the scientific method. The NHL's defense in this litigation, and its agenda in general, is to try to resurrect the long-discredited notion that there is no proof that suffering repetitive brain trauma causes long-term neurological damage. This defense is contrary to science and therefore must be established through science, not through simple denials.

The Court should require that those who deny the science of CTE, and the effects of the epidemic of concussions in sport, face the scrutiny of the scientific method before sanctioning their attack on those who are working legitimately to address this public health issue. Accordingly, Plaintiffs submit a letter from Dr. Bennet Omalu responding to the NHL's and Dr. Castellani's attack on him and the science of CTE.

The Court should deny the NHL's motion to compel.

Dated: February 8, 2017

*s/ Charles S. Zimmerman*

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Charles S. Zimmerman (MN #120054)

Brian C. Gudmundson (MN #336695)

David M. Cialkowski (MN #306526)

ZIMMERMAN REED LLP

1100 IDS Center

80 South 8th Street

Minneapolis, MN 55402

Telephone: (612) 341-0400

[charles.zimmerman@zimmreed.com](mailto:charles.zimmerman@zimmreed.com)

[brian.gudmundson@zimmreed.com](mailto:brian.gudmundson@zimmreed.com)

[david.cialkowski@zimmreed.com](mailto:david.cialkowski@zimmreed.com)

Stuart A. Davidson (FL Bar #84824)

Mark J. Dearman (FL Bar #982407)

Kathleen B. Douglas (FL Bar #43240)

Janine D. Arno (FL Bar #41045)

ROBBINS GELLER RUDMAN

& DOWD LLP

120 E Palmetto Park Road

Boca Raton, FL 33432

Telephone: (561) 750-3000

[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)

[mdearman@rgrdlaw.com](mailto:mdearman@rgrdlaw.com)

[kdouglas@rgrdlaw.com](mailto:kdouglas@rgrdlaw.com)

[jarno@rgrdlaw.com](mailto:jarno@rgrdlaw.com)

Steven D. Silverman (MD Bar #22887)

Stephen G. Grygiel (MD Bar #09169)

William Sinclair (MD Bar #28833)

SILVERMAN, THOMPSON,

SLUTKIN & WHITE, LLC  
201 N Charles Street, Suite 2600  
Baltimore, MD 21201  
Telephone: (410) 385-2225  
[ssilverman@mdattorney.com](mailto:ssilverman@mdattorney.com)  
[sgrygiel@mdattorney.com](mailto:sgrygiel@mdattorney.com)  
[bsinclair@mdattorney.com](mailto:bsinclair@mdattorney.com)

***Plaintiffs' Co-Lead Counsel***

Lewis A. Remele  
Jeffrey D. Klobucar  
J. Scott Andresen  
BASSFORD REMELE  
33 S 6th Street  
Minneapolis, MN 55402  
Telephone: (612) 333-3000  
[lremele@bassford.com](mailto:lremele@bassford.com)  
[jklobucar@bassford.com](mailto:jklobucar@bassford.com)  
[sandresen@bassford.com](mailto:sandresen@bassford.com)

***Plaintiffs' Liaison Counsel***

Michael R. Cashman  
HELLMUTH & JOHNSON, PLLC  
8050 West 78th Street  
Edina, MN 55439  
Telephone: (952) 941-4005  
[mcashman@hjlawfirm.com](mailto:mcashman@hjlawfirm.com)

Jeffrey D. Bores  
Bryan L. Bleichner  
CHESTNUT CAMBRONNE PA  
17 Washington Avenue North, Suite 300  
Minneapolis, MN 55401  
Telephone: (612) 339-7300  
[jbores@chestnutcambronne.com](mailto:jbores@chestnutcambronne.com)  
[bbleichner@chestnutcambronne.com](mailto:bbleichner@chestnutcambronne.com)

Thomas Demetrio  
William T. Gibbs  
CORBOY & DEMETRIO  
33 N Dearborn Street  
Chicago, IL 60602  
Telephone: (312) 346-3191  
[tad@corboydemetrio.com](mailto:tad@corboydemetrio.com)  
[wtg@corboydemetrio.com](mailto:wtg@corboydemetrio.com)

Brian D. Penny  
Mark S. Goldman  
GOLDMAN, SCARLATO  
& PENNY PC  
101 E. Lancaster Ave., Suite 204  
Wayne, PA 19087  
Telephone: (484) 342-0700  
[penny@gskplaw.com](mailto:penny@gskplaw.com)  
[goldman@gskplaw.com](mailto:goldman@gskplaw.com)

Vincent J. Esades  
James W. Anderson  
HEINS MILLS & OLSON, PLC  
310 Clifton Ave.  
Minneapolis, MN 55403  
Telephone: (612) 338-4605  
[vesades@heinsmills.com](mailto:vesades@heinsmills.com)  
[janderson@heinsmills.com](mailto:janderson@heinsmills.com)

Thomas J. Byrne  
Mel Owens  
NAMANNY, BYRNE, & OWENS,  
APC  
2 S. Pointe Dr.  
Lake Forest, CA 92630  
Telephone: (949) 452-0700  
[tbyrne@nbolaw.com](mailto:tbyrne@nbolaw.com)  
[mowens@nbolaw.com](mailto:mowens@nbolaw.com)

Daniel E. Gustafson  
David A. Goodwin  
Joshua J. Rissman  
GUSTAFSON GLUEK, PLLC  
120 South Sixth Street, Suite 2600  
Minneapolis, MN 55402  
Phone: (612) 333-8844  
Fax: (612) 339-6622  
[dgustafson@gustafsongluek.com](mailto:dgustafson@gustafsongluek.com)  
[dgoodwin@gustafsongluek.com](mailto:dgoodwin@gustafsongluek.com)  
[jrissman@gustafsongluek.com](mailto:jrissman@gustafsongluek.com)

Robert K. Shelquist  
W. Joseph Bruckner  
Rebecca Peterson  
LOCKRIDGE GRINDAL NAUEN  
P.L.L.P.  
100 Washington Ave. S., Suite 2200  
Minneapolis, MN 55401  
Telephone: (612) 339-6900  
[rkshelquist@locklaw.com](mailto:rkshelquist@locklaw.com)  
[wjbruckner@locklaw.com](mailto:wjbruckner@locklaw.com)  
[rapeterson@locklaw.com](mailto:rapeterson@locklaw.com)

Shawn M. Raiter  
LARSON KING, LLP  
30 East Seventh Street  
Saint Paul, MN 55101  
Telephone: (651) 312-6518  
[sraiter@larsonking.com](mailto:sraiter@larsonking.com)

Charles J. LaDuka  
CUNEO GILBERT & LADUCA, LLP  
507 C Street NE  
Washington, DC 20002  
Telephone: (202) 789-3960  
[charles@cuneolaw.com](mailto:charles@cuneolaw.com)

***Plaintiffs' Executive Committee***

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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IN RE: NATIONAL HOCKEY LEAGUE	)	MDL No. 14-2551 (SRN/JSM)
PLAYERS' CONCUSSION INJURY	)	
LITIGATION	)	<b>LOCAL RULE 7.1(f) WORD</b>
	)	<b>COUNT COMPLIANCE</b>
	)	<b>CERTIFICATE REGARDING</b>
	)	<b>PLAINTIFFS' MEMORANDUM</b>
	)	<b>IN SUPPORT OF TRUSTEES OF</b>
	)	<b>BOSTON UNIVERSITY'S</b>
	)	<b>OPPOSITION TO NATIONAL</b>
	)	<b>HOCKEY LEAGUE'S MOTION</b>
	)	<b>TO COMPEL</b>

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This Document Relates To:

ALL ACTIONS

I, Charles S. Zimmerman, certify that Plaintiffs' Memorandum in Support of Trustees of Boston University's Opposition to National Hockey League's Motion to Compel complies with Local Rule 7.1(f).

I further certify that, in preparation of this memorandum, I used Microsoft Office Word 2010, and that this word processing program has been applied specifically to include all text, including headings, footnotes, and quotations in the following word count.

I further certify that the above referenced memorandum contains 251 words in 13-point Times New Roman font.

Dated: February 8, 2017

s/ Charles S. Zimmerman

Charles S. Zimmerman (MN Lic. #0120054)  
Brian C. Gudmundson (MN Lic. #0336695)  
David M. Cialkowski (MN Lic. #0306526)  
ZIMMERMAN REED LLP  
1100 IDS Center  
80 South 8th Street

Minneapolis, MN 55402  
Telephone: (612) 341-0400  
[charles.zimmerman@zimmreed.com](mailto:charles.zimmerman@zimmreed.com)  
[brian.gudmundson@zimmreed.com](mailto:brian.gudmundson@zimmreed.com)  
[david.cialkowski@zimmreed.com](mailto:david.cialkowski@zimmreed.com)

*Member, Plaintiffs' Co-Lead Counsel*

## Yolanda Sherman

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U.S. District of Minnesota

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**Case Name:** IN RE: National Hockey League Players' Concussion Injury Litigation

**Case Number:** [0:14-md-02551-SRN-JSM](#)

**Filer:** Plaintiffs' Executive Committee

**Document Number:** [688](#)

#### Docket Text:

**MEMORANDUM in Opposition re [666] MOTION to Compel Production of Documents from the Boston University CTE Center and in Support of Trustees of Boston University's Opposition [680] filed by Plaintiffs' Executive Committee. (Attachments: # (1) LR7.1/LR72.2 Word Count Compliance Certificate)(Zimmerman, Charles)**

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Aaron D Van Oort aaron.vanoort@faegrebd.com, deb.schuna@faegrebd.com

Adam M. Lupion alupion@proskauer.com

Andrew G. Slutkin ASlutkin@MdAttorney.com

Andrew T Rees arees@rgrdlaw.com, e\_file\_fl@rgrdlaw.com, e\_file\_sd@rgrdlaw.com

Arun S Subramanian asubramanian@susmangodfrey.com

Bradley C Buhrow brad.buhrow@zimmreed.com, stacy.bethea@zimmreed.com

Brian C Gudmundson brian.gudmundson@zimmreed.com, heidi.cuppy@zimmreed.com, leslie.harms@zimmreed.com

Brian D Penny penny@lawgsp.com, mummert@lawgsp.com

Brian P Murray bmurray@glancylaw.com

Bryan L Bleichner bbleichner@chestnutcambronne.com, dproulx@chestnutcambronne.com

Charles J LaDuca charlesl@cuneolaw.com, brendant@cuneolaw.com

Charles S Zimmerman charles.zimmerman@zimmreed.com, Jacqueline.Olson@zimmreed.com, Jenifer.Watson@zimmreed.com, Tina.Olson@zimmreed.com

Christine B Cesare cbcesare@bryancave.com

Christopher J Schmidt cjschmidt@bryancave.com, ekrulo@bryancave.com

Christopher P Renz crenz@chestnutcambronne.com, jheckman@chestnutcambronne.com

Clifford H Pearson cpearson@pswlaw.com

Cullin A O'Brien cobrien@rgrdlaw.com

Daniel E Gustafson dgustafson@gustafsongluek.com, mmorgan@gustafsongluek.com

Daniel J Connolly daniel.connolly@faegrebd.com, darcy.boehme@faegrebd.com

Daniel L Warshaw dwarshaw@pswlaw.com, egrant@pswlaw.com, mwilliams@pswlaw.com

David Newmann david.newmann@hoganlovells.com

David A Goodwin dgoodwin@gustafsongluek.com

David A Rosenfeld drosenfeld@rgrdlaw.com, dmyers@rgrdlaw.com

David I Levine agentdl@bellsouth.net, jcohen@thecohenlawfirm.net

David M Cialkowski david.cialkowski@zimmreed.com, heidi.cuppy@zimmreed.com

Geoffrey M. Wyatt geoffrey.wyatt@skadden.com

Hart L Robinovitch hart.robinovitch@zimmreed.com, sabine.king@zimmreed.com, stacy.bethea@zimmreed.com

Howard B Miller hmiller@girardikeese.com

J Scott Andresen scotta@bassford.com, mmooney@bassford.com, receptionist@bassford.com

James A. Keyte james.keyte@skadden.com

James W Anderson janderson@heinsmills.com, ikovarik@heinsmills.com

Janine D Arno jarno@rgrdlaw.com

Jeffrey D Bores jbores@chestnutcambronne.com, dproulx@chestnutcambronne.com

Jeffrey D. Klobucar jklobucar@bassford.com, mmooney@bassford.com

Jessica D Miller jessica.miller@skadden.com

John Zaremba jzaremba@zbblaw.com

John Herbert Beisner john.beisner@skadden.com

Jonathan B Potts jonathan.potts@bryancave.com, clbelleville@bryancave.com

Joseph Baumgarten jbaumgarten@proskauer.com

Joseph F. Murphy josephmurphy@mdattorney.com

Joseph M Price joseph.price@faegrebd.com, megan.froelke@FaegreBD.com

Joshua J Rissman jrissman@gustafsongluek.com

Katelyn I Geoffrion kdg@corboydemetrio.com, agonzalez@corboydemetrio.com, sdudak@corboydemetrio.com

Katherine C Bischoff kbischoff@zelle.com, agarberson@zelle.com

Kathleen L Douglas kdouglas@rgrdlaw.com, e\_file\_fl@rgrdlaw.com, e\_file\_sd@rgrdlaw.com

Kenneth J Mallin kjmallin@bryancave.com

Kristin L. Bittinger kbittin@bu.edu

Lawrence Elswit lelswit@bu.edu

Lawrence G Scarborough lgscarborough@bryancave.com, mavilla@bryancave.com

Lee Albert lalbert@glancylaw.com

Leonard B. Simon lsimon@rgrdlaw.com, tdevries@rgrdlaw.com

Lewis A Remele , Jr lewr@bassford.com, lremele@bassford.com, docket@bassford.com, mbordian@bassford.com

Linda S Svitak linda.svitak@faegrebd.com, christine.kain@faegrebd.com, darcy.boehme@faegrebd.com, joe.winebrenner@FaegreBD.com, susan.schreiner@faegrebd.com

Lionel Z Glancy info@glancylaw.com

Mario Alba , Jr malba@rgrdlaw.com, e\_file\_sd@rgrdlaw.com

Mark J. Dearman mdearman@rgrdlaw.com, e\_file\_fl@rgrdlaw.com, e\_file\_sd@rgrdlaw.com

Mark R Anfinson mranfinson@lawyersofminnesota.com, debmauer@q.com

Mark S Goldman goldman@gsk-law.com

Matthew Stein matthew.stein@skadden.com

Matthew Michael Martino matthew.martino@skadden.com, alissa.turnipseed@skadden.com, matthew.lisagar@skadden.com, michael.menitove@skadden.com

Michael H Menitove michael.menitove@skadden.com

Michael Harrison Pearson mpearson@pswlaw.com

Michael J Flannery mflannery@cuneolaw.com

Michael R Cashman mcashman@hjlawfirm.com, lharris@hjlawfirm.com

Peter H Walsh peter.walsh@hoganlovells.com, sharon.mcmahon@hoganlovells.com, stephen.loney@hoganlovells.com

Rebecca A. Peterson rapeterson@locklaw.com

Richard M. Hagstrom rhagstrom@hjlawfirm.com, mmetfessel@hjlawfirm.com

Richard R Gordon richard.gordon@gordonlawchicago.com

Robert K Shelquist rkshelquist@locklaw.com, aanewfield@locklaw.com, brgilles@locklaw.com, kjleroy@locklaw.com

Robert M Rothman RRothman@lerachlaw.com

Samuel H Rudman srudman@rgrdlaw.com, e\_file\_ny@rgrdlaw.com, e\_file\_sd@rgrdlaw.com

Shawn D Stuckey stuckey@allsportslaw.com

Shawn M Raiter sraiter@larsonking.com, lburks@larsonking.com

Shepard Goldfein shepard.goldfein@skadden.com

Stephen Allen Loney , Jr stephen.loney@hoganlovells.com

Stephen G. Grygiel sgrygiel@mdattorney.com, cgoldsmith@mdattorney.com

Steve W Gaskins sgaskins@gaskinsbennett.com, jtakata@gaskinsbennett.com

Steven D. Silverman ssilverman@mdattorney.com

Stuart A Davidson sdavidson@rgrdlaw.com, e\_file\_fl@rgrdlaw.com, e\_file\_sd@rgrdlaw.com, jdennis@rgrdlaw.com

Thomas A Demetrio tad@corboydemetrio.com

Thomas Joseph Byrne tbyrne@nbolaw.com

Timothy J Hasken tim.hasken@bryancave.com, timothy.howard@bryancave.com

Vincent J Esades vesades@heinsmills.com, ikovarik@heinsmills.com, lgehrking@heinsmills.com

W Joseph Bruckner wjbruckner@locklaw.com, ctevans@locklaw.com, emsipe@locklaw.com, hnpotteiger@locklaw.com, sljuell@locklaw.com

William Christopher Carmody bcarmody@susmangodfrey.com

William N. Sinclair bsinclair@mdattorney.com

William T Gibbs wtg@corboydemetrio.com, agonzalez@corboydemetrio.com, mbrophy@corboydemetrio.com, sdudak@corboydemetrio.com

Wm Dane DeKrey dane.dekrey@zimmreed.com

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